

ASSEMBLY BILL

No. 811

Introduced by Assembly Member Matthews

February 18, 2005

An act to add Division 2.75 (commencing with Section 1825) to the Health and Safety Code, and to add Division 8.75 (commencing with Section 9800) to the Welfare and Institutions Code, relating to health and human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 811, as introduced, Matthews. California Health and Human Services Agency: licensing and certification functions: consolidation.

Under existing law, several state departments and other entities within the California Health and Human Services Agency regulate the licensure and operation of various types of facilities that provide health and public social services. Existing law also regulates the licensure or certification of individual services providers, including the performance of background clearance checks.

This bill would require the Secretary of California Health and Human Services, by an unspecified date, to conduct a review of all statutory and regulatory requirements relating to the licensing and certification of facilities, programs, and individuals that are responsible for providing health and social services to the public, and to develop and implement a program to consolidate those functions, by an unspecified date. The program would apply to the licensing and certification functions of the State Department of Health Services, the State Department of Social Services, the Emergency Medical Services Authority, the California Department of Aging, the State Department of Mental Health, and the State Department of Alcohol and Drug Programs, and any other entity that meets the requirements of the bill

as identified by the Secretary. The bill would designate the licensing and certification functions to be consolidated. It would authorize the secretary to hire or contract with all necessary staff to implement the consolidation program. This bill would provide that it would not be construed to require any action that would result in the loss of federal funding for the agency or any of the entities for which licensing functions are being consolidated. The bill would also require the secretary to adopt regulations, and make recommendations to the Legislature for statutory changes necessary to implement the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Division 2.75 (commencing with Section 1825) is added to the Health and Safety Code, to read:

DIVISION 2.75. LICENSING AND CERTIFICATION
CONSOLIDATION

1825. No later than _____, the Secretary of California Health and Human Services shall initiate a review of all statutory and regulatory requirements relating to the licensing and certification of facilities, programs, and individuals responsible for providing health and social services to the public, and shall develop and implement a program to consolidate those functions. Final consolidation of licensing and certification functions pursuant to this division shall occur no later than _____.

1826. This division shall apply to the following entities:

- (a) The State Department of Health Services.
- (b) The State Department of Social Services.
- (c) The Emergency Medical Services Authority.
- (d) The State Department of Alcohol and Drug Programs.
- (e) Any other entity that administers the requirements of Section 1825, as identified by the secretary.

1827. The consolidation program shall include, but shall not be limited to, the following licensing and certification functions:

- (a) Application review.

1 (b) Administrative support functions, including, but not
2 limited to, conducting background clearances, issuance and
3 renewal of licenses and certificates, and fee collection.

4 (c) Complaint response.

5 (d) Adoption of regulations.

6 (e) Monitoring activities, including onsite visits.

7 (f) Enforcement activities, including license or certificate
8 suspension or revocation when appropriate.

9 1828. The Secretary of California Health and Human Services
10 shall hire or contract with staff that possess the necessary skills to
11 develop and implement a centralized licensure and certification
12 program in the most cost-effective manner possible.

13 1829. The consolidation program established pursuant to this
14 section shall include centralization of the databases of the
15 affected entities, in order to help protect consumers from
16 providers or facilities that have been banned from delivering
17 services in any consumer setting, and to reduce the number of
18 duplicate background checks.

19 1830. Nothing in this division shall be construed to require
20 any action that would result in the loss of federal funding for the
21 agency or any of the entities described in Section 1826.

22 1831. The Secretary of Health and Human Services shall do
23 both of the following:

24 (a) Adopt all regulations necessary to implement this division.

25 (b) Report to the appropriate committees of the Legislature
26 regarding recommendations for statutory changes necessary to
27 implement this division.

28 SEC. 2. Division 8.75 (commencing with Section 9800) is
29 added to the Welfare and Institutions Code, to read:

30
31 DIVISION 8.75. LICENSING AND CERTIFICATION
32 CONSOLIDATION
33

34 9800. No later than _____, the Secretary of California
35 Health and Human Services shall initiate a review of all statutory
36 and regulatory requirements relating to the licensing and
37 certification of facilities, programs, and individuals that are
38 responsible for providing health and social services to the public,
39 and shall develop and implement a program to consolidate those
40 functions. Final consolidation of licensing and certification

1 functions pursuant to this division shall occur no later than
2 _____.

3 9801. This division shall apply to the following entities:

- 4 (a) The California Department of Aging.
- 5 (b) The State Department of Mental Health.
- 6 (c) Any other entity that administers the requirement of
7 Section 9800, as identified by the secretary.

8 9802. The consolidation program shall include, but shall not
9 be limited to, the following licensing and certification functions:

- 10 (a) Application review.
- 11 (b) Administrative support functions, including, but not
12 limited to, conducting background clearances, issuance and
13 renewal of licenses and certificates, and collecting fees.
- 14 (c) Complaint response.
- 15 (d) Adoption of regulations.
- 16 (e) Monitoring activities, including onsite visits.
- 17 (f) Enforcement activities, including license or certificate
18 suspension or revocation when appropriate.

19 9803. The Secretary of California Health and Human Services
20 shall hire or contract with staff that possess the necessary skills to
21 develop and implement a uniform licensure and certification
22 program in the most cost-effective manner possible.

23 9804. The consolidation program established pursuant to this
24 section shall include centralization of the databases of the
25 affected entities, in order to help protect consumers from
26 providers or facilities that have been banned from delivering
27 services in any consumer setting, and to reduce the number of
28 duplicate background checks.

29 9805. Nothing in this division shall be construed to require
30 any action that would result in the loss of federal funding for the
31 agency or any of the entities described in Section 9801.

32 9806. The Secretary of Health and Human Services shall do
33 both of the following:

- 34 (a) Adopt all regulations necessary to implement this division.
- 35 (b) Report to the appropriate committees of the Legislature
36 regarding recommendations for statutory changes necessary to
37 implement this division.